

The Israel Koschitzky Virtual Beit Midrash

Parshat HaShavua
Yeshivat Har Etzion

This parasha series is dedicated
in memory of Michael Jotkowitz, z"l.

PARASHAT EKEV

This shiur is dedicated in memory of Dr. William Major z"l.

This shiur is dedicated in memory of Shmuel Mett HY"D. May his family be comforted among the mourners of Tzion veYerushalayim. May HaKadosh Barukh Hu have mercy upon His people and upon His land.

By What Right Does Israel Inherit the Land?

An Examination of Devarim Chapter 9

By Rav Mordechai Sabato

a. Introduction

Parashat Ekev represents a sort of lull in between the two parts of the commandments speech, with Va-etchanan on one side, and Re'eh until Ki-Tavo on the other. In our parasha, Moshe halts his list of commandments and discusses some other subjects. One of them (chapter 9) is the question: by what right does Israel inherit the land? The importance of this question is apparent in the style of the introduction to the chapter: "Hear, Israel." This expression occurs in four other places in the Sefer, each time as the introduction to a subject of major importance [1]. In this shiur, I shall examine the structure and significance of this chapter. As we shall see further on, the discussion does not end in chapter 9; it continues on to chapter 10. Let us begin by examining the text of the chapter, dividing it into sections:

(1) Hear, Israel: This day you are crossing over the Jordan to come and inherit nations greater and mightier than you, great cities, fortified up to the heavens. (2) A nation that is great and tall, the children of the Anakim, with whom you are familiar and of whom you have heard spoken – "Who can stand before the children of Anak?"

(3) You shall know this day that the Lord your God is the One Who passes over before you; like a consuming fire He will destroy them and defeat them before you, and you shall drive them out and annihilate them quickly, as God has spoken to you.

(4) Do not say in your heart, when the Lord your God drives them out before you, "By my righteousness God has brought me to inherit this land," and that by the wickedness of those nations God drives them out before you.

(5) It is not by your righteousness or the uprightness of your heart that you come to inherit their land, but rather by the wickedness of those nations that the Lord your God drives them out before you, in order that He may establish the word that God promised to your forefathers – to Avraham, to Yitzhak, and to Yaakov.

(6) And you shall know that it is not by your righteousness that the Lord your God gives you this good land to possess it, for you are a stiff-necked nation.

(7) Remember, do not forget, how you angered the Lord your God in the desert,

from the day when you left the land of Egypt up until reaching this place YOU HAVE BEEN REBELLIOUS AGAINST GOD:

(8) AT CHOREV you angered God and God was angry with you and wanted to destroy you. (9) When I ascended the mountain to take the tablets of stone, the Tablets of Testimony which God forged with you, I remained upon the mountain for forty days and forty nights; I did not eat bread, nor did I drink water. (10) God gave me the two tablets of stone, inscribed by the finger of God, and upon them all the things which God spoke with you at the mountain, from amidst the fire, on the day of the assembly. (11) And it was, after forty days and forty nights, that God gave me the two tablets of stone, the Tablets of Testimony. (12) And God said to me: "Get up, go down quickly from here, for your nation, which you brought out of Egypt, has become corrupt. They have deviated quickly from the path which I commanded them, and have made themselves a molten image." (13) God said to me, saying: "I have seen this nation, and behold – it is a stiff-necked nation. (14) Leave Me alone that I may destroy them and wipe out their name from under the heavens, and make you a nation greater and mightier than they." (15) So I turned and went down from the mountain - while the mountain was burning with fire – with the two Tablets of Testimony in my two hands. (16) And I looked, and behold – you had sinned to the Lord your God, making for yourselves a molten calf. You had deviated quickly from the path which God had commanded you. (17) I grasped the two tablets and cast them from my two hands, and shattered them before your eyes. (18) And I fell down before God as before, during the forty days and forty nights; I did not eat bread, nor did I drink water, for all of your sin which you sinned, to perform evil in the eyes of God, to anger Him. (19) For I was afraid of the wrath and fury that God angered at you, to destroy you. And God listened to me on this occasion also. (20) And God was extremely angry at Aharon, to destroy him, and I prayed also

for Aharon at that time. (21) And I took the sin which you had done – the calf – and burned it with fire, and struck it and ground it well into fine dust, and I cast its dust into the stream that descended from the mountain.

(22) AND AT TAV'ERA AND AT MASSA AND AT KIVROT HA-TAAVA you made God angry.

(23) AND WHEN GOD SENT YOU FROM KADESH BARNE'A, saying: "Ascend and possess the land which I have given you," you rebelled against the word of the Lord your God, and did not believe Him, nor did you listen to His voice.

(24) YOU HAVE BEEN REBELLIOUS AGAINST GOD from the day I knew you.

(25) So I fell down before God for the forty days and forty nights as I had fallen previously, for God had said that He would destroy you. (26) And I prayed to God and said: "Lord God: Do not destroy Your nation and Your inheritance, which You redeemed in Your greatness, whom You took out of Egypt with a strong hand. (27) Remember Your servants, Avraham, Yitzchak and Yaakov; do not look to the stubbornness of this nations, to its wickedness and its sin, (28) Let them say – the people of the land from which You took us: 'It was for lack of God's ability to bring them to the land of which He had spoken to them, and out of His hatred for them, that He took them out to put them to death in the desert.' (29) But they are Your nation and Your inheritance, which You took out by Your great strength and with Your outstretched arm."

b. Righteousness and Wickedness

The central axis around which the entire chapter turns is found in verses 4-5. In these verses, Moshe maintains a sort of theoretical dialogue between the nation of Israel and himself concerning Israel's moral right to enter the land of Israel. The precise meaning of this dialogue is subject to debate among the commentaries. Rashi writes: "Do not say in your heart: My righteousness and the wickedness of the nations caused it." A similar and more elaborate line is adopted by Rashbam:

(4) "Do not say in your heart" – when the Lord your God drives them out before you, "Two things caused me to inherit this land. [First,] these nations were sentenced – by their wickedness – to be banished from the land. [Second,] the reason I deserve [the land] more than any other nation is because of my righteousness ...

"It is not by your righteousness and the uprightness of your heart" - for "Remember, do not forget, how you angered God." Only one of the reasons is true, for it was by their

wickedness that they lost their inheritance, and the fact that you are given it is not by your righteousness, but rather in order that God may uphold His oath, etc."

According to Rashi and Rashbam, verse 4 presents the nation's claim – or, more accurately, the claim that Moshe places in their mouth. This claim is composed of two parts:

1. By my righteousness God has brought me to inherit this land;
2. Because of the wickedness of these nations, God drives them out.

Moshe rejects this claim at the beginning of the verse: "Do not say in your heart..." At the beginning of verse 5, Moshe again clarifies the nation's mistake: "It is not by your righteousness and the uprightness of your heart that you come to inherit this land." In other words, the nation's claim is rejected not because both parts of it are incorrect, but rather because just its first part is wrong.

From this point onwards Moshe presents the correct claim, which is likewise divided into two parts, but in the opposite order – in accordance with biblical style:

2. It is because of the wickedness of these nations that the Lord your God drives them out before you;
1. and in order to establish the promise that God made to the forefathers.

Thus, the positing of the wickedness of the nations as the explanation for them being driven out remains part of Moshe's argument. However, the explanation for Israel's possession of the land changes from the righteousness of the nation to the fulfillment of the promise to the forefathers.

To this explanation, we may pose the question: if there is no disagreement between Moshe and the nation concerning the reason for Israel's possession of the land, why does Moshe even mention it? From Rashbam's words, it appears that the wickedness of the nations is mentioned in order to demonstrate Israel's relative righteousness. But this does not seem sufficient justification to mention this argument. By including it, Moshe seems to be saying that any explanation for the inheritance of the land that addresses only the nation's right to possess, but does not also discuss the reason for other nations being dispossessed, is only partial. Moshe seeks to emphasize that it is not sufficient to find a moral justification for Israel's inheritance of the land, for this reason alone would not permit – morally speaking – the expulsion of the nations of Canaan before Bnei Yisrael. To this, we must also add the moral reason for the nations being driven out.

This principle may already be discerned in God's words in the Covenant between the Parts: "The fourth generation will return here, for the sin of the Emorites is not yet complete to date." So

long as the sin of the Emorites is not complete, Bnei Yisrael cannot be brought back to the land, even if they are worthy of it.

Ramban disagrees with Rashi. He writes [2]:

Do not think that God has done all of this for you because of your righteousness, for He did it only because of the wickedness of these nations. This explains the reason for the annihilation of those nations, but no reason is given for Israel inheriting the land. Therefore, he repeats and explains that "it is not by your righteousness" – even if you are righteous in all your deeds, and even if you have an upright heart. Rather, it is only because of the wickedness of the nations that they are annihilated, and because of the oath to the forefathers that you inherit that land. Any sin that you commit could not nullify the gift that God gave to the forefathers, for it was sworn to them. Rashi writes, "Do not say in your heart, 'My own righteousness and the wickedness of the nations caused this' – it is not by your righteousness." But this is not correct.

In Ramban's view, the nation's claim appears only in the first part of verse 4 – "By my righteousness God has brought me to possess this land." The second part – "and by the wickedness of these nations God drives them out before me" – represents the alternative claim, which Moshe asserts is correct. Thus, the "vav" at the beginning of the sentence is not meant as a conjunctive, but rather as a contrast. In verse 5, Moshe is more precise in his wording: "It is not by your righteousness, but rather because of the wickedness of the nations and in order to establish the promise..." The need to repeat himself in verse 5 arises, according to Ramban, from the fact that in verse 4 Moshe does not present a corresponding claim to the claim of the nation. The nation explains the reason for its inheritance of the land, but Moshe counters with an explanation for the nations being driven out. For this reason, he repeats himself in verse 5 and adds the reason for the inheritance of the land: the promise to the forefathers.

In light of the literal text, I view this interpretation as being forced. For what reason would Moshe present, in verse 4, an alternative claim that has nothing to do with the claim that the nation presented, and then go back and repeat himself in verse 5 for the sole purpose of correcting this inaccuracy? Could he not present the correct alternative claim from the start?

The fact that Ramban refrains from interpreting the verse as Rashi does, even defining Rashi's interpretation as incorrect and preferring a clumsy alternative, appears to arise from an obvious problem inherent in Rashi's explanation (as well as that of Rashbam). According to Rashi and Rashbam, both of whom maintain that verse 4 in its entirety represents the nation's claim, composed of two parts, the verse should have read, "And because of the wickedness of these nations God drives them out BEFORE ME," in the first person, rather than "before you," in the second person, since we are still quoting the nation's claim. For this reason, Ramban concludes that this phrase cannot be a continuation of the nation's claim, but rather represents Moshe's view.

Since the structure of the verses proves, in my understanding, that the interpretation of Rashi and Rashbam is correct, we must find a solution to the difficult problem that they fail to address.

The explanation seems to be as follows. We have already noted that, in this virtual dialogue, there are actually two levels. One describes the argument between Moshe and Bnei Yisrael concerning the question that is being subjected to debate: by which right Bnei Yisrael is inheriting the land. On this level, there is no need to explain why the nations are being driven out of the land, since on this question there is no argument between Moshe and the nation. The other level is Moshe's need to present – both to his actual listeners and to all future readers – a full explanation for the inheritance of the land. This explanation takes into consideration the principles of Divine justice and also includes a reason for the nations being driven out – even if in this regard there is no argument.

The first level is the major one in this chapter, while the second is simply a complement to it. It is therefore appropriate that Moshe places the first part of the claim in the mouth of the nation, as it were – "By my righteousness God has brought me to possess this land" – in the first person – for it is on this point that there is controversy. The second part – "and because of the wickedness of these nations God drives them out before you" – Moshe adds as his own complement to the nation's claim, for it is not part of the argument and is added solely for the purpose of presenting the whole picture, such that the trait of Divine justice should not appear deficient.

c. Not by Your Strength

Verses 1-3 serve as a sort of preparation for this theoretical argument. Here there is a disagreement, as we have said, between Moshe and the nation concerning the moral justification for their entry into the land, but all agree that they are inheriting the land by God's will, not because of their military strength. In order to prove this point, Moshe introduces the argument with verses 1-3. In these verses, he proves to the nation that it is not by their strength and the might of their hands that they are taking possession of the land, for "You are familiar and you have heard – Who can stand before the children of Anak?"

Let us pay some attention to these verses and their significance. In verses 1-2, Moshe presents the facts, and in verse 3 he draws his conclusion. Attention should be paid to the clear similarity between the description of the land and the nation, as Moshe presents them here, and their description in the words of the spies (Devarim 1:28):

MOSHE'S REPORT OF THE NATION'S REACTION TO THE SPIES:

To where shall we go up? Our brothers have made our heart faint, saying: "The people are greater and taller than we are; the cities are great and fortified to the heavens, and we also saw there the children of the Anakim."

MOSHE'S OWN WORDS:

Hear, Israel: This day you pass over the Jordan to come and possess nations greater and mightier than you are; great cities, fortified up to the heavens; a great and tall nation – children of the Anakim.

In both cases, the description is comprised of three phrases. The words, "great cities, fortified up to the heavens" are identical in both places, and in both places this phrase is located in the middle of the description. The words, "a great and tall nation," are mentioned by the spies at the beginning of their description, and by Moshe at the end of his. The "children of the Anakim" are mentioned in both cases at the end of the description. Not one of these three descriptions appears anywhere else in the Torah. Only the words, "nations greater and mightier than you," mentioned by Moshe, have no parallel in the words of the spies, with the exception of expression "than you," which is converted into the first person in the spies' report, and appears at the beginning. (I shall return to this detail below.)

All of these parallels undoubtedly show that Moshe deliberately chose to describe the strength of the land and of its indigenous people in exactly the same terms used by the spies. It is also possible that when he says, "With whom you are familiar and about whom you have heard, saying: 'Who can stand before the children of Anak?'" Moshe refers not only to a general familiarity and rumors known to all, but specifically to the report that the nation heard from the spies.

There is also a noticeable attempt to construct the description in chiasmic parallel to the description of the spies – apparently with a view to emphasizing their interdependence (a common biblical literary technique). Admittedly, this chiasmic parallel is not complete – since the mention of the Anakim exists at the end of Moshe's description rather than at the beginning, as the chiasmus would require. It would seem that, alongside the chiasmic parallel with the spies' report, there is also another consideration at work here: the desire to conclude the description with mention of the Anakim, which appears to be the decisive element. We may deduce this from the fact that only to this fact does Moshe add the phrase, "with whom you are familiar and about whom you have heard, saying: 'Who can stand before the children of Anak?'" For this reason, Moshe could not introduce his description by mentioning the Anakim, and therefore he starts with a new description that parallels the first phrase in the description of the spies [3].

For what reason does Moshe want to create such a close connection between his own description and that of the spies? It would appear that his message is that the actual mention of the facts is not, nor should it in any way be considered, wrong. The question is always the context and the significance awarded to these facts [4]. The spies were not certain of the fulfillment of God's promise concerning the inheritance of the land, and therefore they deduced from these facts that "We shall not be able to go up to the nation, for they are stronger than we are... our wives and children will be for spoil." In contrast, Moshe takes Israel's inheritance of the land as given: "This day you pass over the Jordan to come and drive out nations...." In this regard, Moshe has no doubts. The fact that the cities concerned are great and fortified to the heavens, and that the nation is great and tall, children of the Anakim, serves only to prove that their possession of the land will be achieved not by natural means, but rather that "it is the Lord your

God Who passes over before you... He will destroy them and He will defeat them before you." The source of rebellion in the spies' report becomes, in Moshe's words, a source of faith.

d. Not by Your Righteousness

Verses 6 and onwards are devoted to the proof for Moshe's claim that it is not by Israel's righteousness that they will inherit the land. Verse 6 begins: "You shall know that it is not by your righteousness that the Lord your God gives you this good land to possess it, for you are a stiff-necked nation." From this point onwards, Moshe proves – by listing the nation's sins in the desert – that Israel is indeed a stiff-necked nation.

Verses 7-24 are structured in the form of "kelal u-frat u-klal" – general statement, followed by detail, followed by general statement. Verse 7 is the introductory general statement: "Remember, do not forget, how you angered the Lord your God in the desert. From the day when you came out of the land of Egypt up until you reached this place, you have been rebellious against God." Verse 24 is the concluding summary: "You have been rebellious against God from the day I knew you." Attention should be paid to the use of the identical expression – "You have been rebellious against God" – in both of these verses, as well as the similarity between "from the day you came out of the land of Egypt" and "from the day I knew you." Likewise, attention should be paid to the fact that this parallel between verse 24 and verse 7 is in chiasmic order, and we have already noted that this is a common biblical literary technique. Between these two verses, Moshe lists Israel's sins. The central sin is that of the golden calf, described in verses 8-21. Thereafter Moshe lists – with striking brevity – the sins at Tav'era, Masa and Kivrot ha-Taava, and the sin of the spies.

The location of the final section – verses 25-29 – is puzzling. In these verses, Moshe recounts the prayer that he offered on behalf of the nation following God's decree after the golden calf. This prayer is mentioned in the framework of the description of the sin, in verse 18, except that its content is not detailed there. This requires some explanation. Rashbam (v. 25) formulates the question as follows, together with his answer:

"I fell down before God for the forty days... I prayed to God and said" (verses 25-26) – Who is wise enough to pay attention and understand the reason for the repeated mention of the forty days here? Is it usual, then, to find in the Torah that a matter is repeated, such that a person says, "When I fell before God for forty days, I prayed such-and-such"? Before (in verse 18), Moshe should have said [what it was that he prayed], such that there would be no need to go back and repeat in order to tell Israel, "This was the formulation of my prayer."

But [in fact] there is great wisdom here, meant as a rebuke to Israel. Lest you say, "If, after so great a sin as that of the golden calf, Moshe's prayer was effective and we were saved, surely in Eretz Yisrael, if we sin, the prayers of the prophets will be effective," therefore Moshe says: "Prayer will not save you in Eretz Yisrael. For right now your atonement is only so that God's Name will not be desecrated, for thus I prayed:

'Remember to Your servants... lest the inhabitants of the land from which you took us out say, "It was for lack of ability to bring them that God..." – and therefore you were not sentenced to die in the desert. But after God slays thirty-one kings before you and you take possession of the land, He will take you out and banish you from the land, for there is no longer any desecration of God's Name, that the nations might say, "It is for lack of God's ability." Rather, the nations will say, "Israel sinned towards God" – as is explicit in parashat Nitzavim: "All the nations will say, 'For what reason did God act thus towards this land; what angered Him' ... and they will say, 'Because they abandoned the covenant of the Lord God of their fathers... and God removed them from upon their land with anger and wrath and great fury, and cast them off to another land, to this day.'"

Thus, according to Rashbam, after Moshe finishes proving that Israel is indeed a stiff-necked nation and that it is not by their righteousness that they inherit the land, he is concerned lest he be misunderstood in light of this most convincing reproof; therefore, he adds this section so as to avoid any misinterpretation of what he is saying, as Rashbam explains.

A different explanation is proposed by Rav David Zvi Hoffmann here. He notes that Moshe mentions two negative results of the sin of the golden calf. One was the breaking of the tablets, causing Israel to lose the precious gift bestowed upon them by God: stone tablets engraved by the finger of God. The second was the decree of annihilation that God considered. In verses 18-19, Moshe described how his prayer was effective in preventing the execution of this decree. In verses 25-29, he goes back to the description of his prayer in order to show that his prayer also helped to bring about the giving of the second set of tablets, as arises from the beginning of chapter 10.

However, an examination of the structure of the chapter – as we have presented it above – offers a much simpler solution, one that is well suited to the structure. As stated, the central axis of the chapter is to be found in verses 4-5. There Moshe rejects the claim, "By my righteousness God has brought me to possess this land," and replaces it with the oath to the forefathers. In verses 6-24, Moshe goes on to substantiate his rejection of the "by my righteousness" claim. It would seem, therefore, that in verses 25-29 Moshe seeks to substantiate the alternative claim – i.e., the claim that Bnei Yisrael is inheriting the land by virtue of the oath to the forefathers. Indeed, the oath to the forefathers serves as a major argument in Moshe's prayer – to the extent that this is mentioned as the primary claim, and only thereafter is there mention of the "desecration of God's Name" argument, while in Shemot 32:11-13 the arguments are presented in reverse order. This detail points to the centrality of the oath to the forefathers in our chapter.

On the other hand, the mention of the prayer in verses 18-19, without mention of its content, is meant simply to emphasize the severity of the sin. Moshe is saying, "I had to fall down before God for forty days and forty nights in order to cancel the decree" – this says a great deal about what a sin it was. Thus, this detail contributes to the substantiation of the claim that "It is not by your righteousness... for you are a stiff-necked nation."

In summary, Moshe's prayer in the wake of the sin of the golden calf serves a dual function in our chapter. The fact that it is mentioned in verses 18-19 – and especially the emphasis on how long it lasted, with no mention of its content – shows how terrible the sin was, and proves that it is not by their righteousness that Bnei Yisrael are now inheriting the land. Thus, Moshe has proven the first part of his argument. The content of the prayer, on the other hand, as detailed in verses 25-29, teaches that their destined entry into the land arises by virtue of the oath to the forefathers, and thus Moshe proves also the second part of his claim.

e. Moshe's Prayer in Chapter 10

Further substantiation for the explanation that I have offered for this section is to be found from the continuation of Moshe's speech. This requires that we extend our shiur to the first part of chapter 10. Let us first examine the verses themselves, with a division into sections:

Chapter 10

(1) AT THAT TIME, God said to me, "Carve yourself two stone tablets like the first ones and ascend to Me, to the mountain, and make yourself a wooden ark. (2) I shall write upon the tablets the words that were upon the first tablets, which you broke, and you shall place them in the ark." (3) So I made an ark of acacia wood and I carved two stone tablets like the first ones, and I ascended the mountain with the two tablets in my hand. (4) And I wrote upon the tablets the same as the former writing, the Ten Commandments which God spoke to you at the mountain from the midst of the fire, on the day of the assembly, and God gave them to me. (5) Then I turned and descended from the mountain, and placed the tablets in the ark which I had made, and they were there, as God commanded me.

(6) Bnei Yisrael traveled from Be'erot Bnei Ya'akan to Mosser; there Aharon died and there he was buried, and his son Elazar succeeded him as Kohen. (7) From there they traveled to Gudgoda, and from Gudgoda to Yotvata, a land of streams of water.

(8) AT THAT TIME, God separated the tribe of Levi to bear the ark of God's covenant, to stand before God to serve Him and to bless in His Name, to this day. (9) Therefore Levi has no portion and inheritance with his brethren; God is his inheritance, as the Lord your God spoke to him.

(10) And I stood upon the mountain, like the first time – forty days and forty nights – and God listened to me this time, too; and God would not destroy you.

(11) And God said to me, "Arise, journey on before the people, that they may come and possess the land which I promised to their forefathers, to give them."

This unit is comprised of four sections. The first describes briefly the receiving of the second tablets; the second records a fragment of the journeying of Bnei Yisrael during the fortieth year;

the third recalls the selection of the tribe of Levi; and the fourth relates to Moshe's forty-day stay on the mountain. Let us dwell on the fourth section: which forty days are we talking about here? Rashi writes:

(10) "AND I STOOD UPON THE MOUNTAIN" – to receive the latter tablets. Since [Moshe] did not state previously how long he dwelled on the mountain during this latter ascent, he goes back to it and starts with this information. "LIKE THE FIRST TIME" – [like the reception] of the first tablets; just as those [original forty days] were with grace, so were these [forty days] with grace. But the middle [forty days] when I stood there to pray for you were with anger.

According to Rashi, verse 10 really continues the first section (verses 1-5), which describe Moshe's ascent to receive the second set of tablets, and this verse comes to teach us that this latter stay also lasted for forty days. According to this interpretation, these chapters make mention of three ascents of forty days: the first – to receive the first tablets (9:9); the second – for Moshe's prayer (9:18 and 9:25); and the third – to receive the second set of tablets (10:10).

However, Ibn Ezra comments as follows on 10:1:

We do not know when Moshe ascended, for it would seem – according to the simple meaning of the text – that Moshe fasted only eighty days, since the interpretation of the words, "I stood upon the mountain like the first time" (10:10), is that it returns to what was said before [in 9:25]. And what it means is: "When I stood on the mountain for those forty days, God heard me, and said: 'Journey on' (11)," and this refers back to [when God said], "Lead the nation" (Shemot 32:35).

From Ibn Ezra's commentary, it appears that verse 10 is going back to the same forty days that were mentioned at the end of chapter 9 – i.e., the forty days of prayer. In Ibn Ezra's view, the verses are not referring to the ascent for the purposes of receiving the second set of tablets [5].

It would seem that the simple, literal reading of the verses tends towards Ibn Ezra's explanation. The language of 10:10 – "God heard me this time also, and God did not destroy you," demonstrates that "this time" was Moshe's prayer, whereas in the ascent to receive the second set of tablets there is no mention, in our chapter, of any prayer [6]. Moreover, the words "God did not destroy you" are directed towards Moshe's supplication at the end of chapter 9, verse 26: "Do not destroy Your nation and Your inheritance," and shows that at this ascent, too, Moshe still had to pray so that the decree of annihilation would not be executed. To this we must add the similarity between the language of 10:10 – "God heard me this time also" – and the language of 9:19 – "God heard me this time also." Just as the former occasion describes forty days of prayer, so does the latter occasion.

Thus, I conclude that the direct continuation of Moshe's prayer at the end of chapter 9 is to be found in chapter 10, verses 10-11. As a result of this prayer, God cancelled His decree to annihilate the nation, and added, "Arise, journey forth before the nation, THAT THEY MAY COME

AND POSSESS THE LAND WHICH I PROMISED TO THEIR FATHERS TO GIVE THEM." We are told explicitly, then, that Moshe's prayer – and specifically the mention of the oath to the forefathers – is what facilitated the continuation of the journey and the inheritance of the land. Moshe thereby completes the proof for his claim that "It is not by your righteousness THAT YOU ARE COMING TO POSSESS THEIR LAND, BUT... IN ORDER TO ESTABLISH THE PROMISE THAT GOD MADE TO YOUR FOREFATHERS."

Verses 1-9, then, are a parenthetical insertion in Moshe's speech. Substantiation for this assertion is to be found in the expression, "at that time," with which both the first section and the third section open [7]. This expression – especially in Sefer Devarim – hints at a parenthetical comment that interrupts the flow of the speech. I shall mention one striking example: in chapter 1, verses 6-8, Moshe mentions God's command to the nation at Chorev to journey to the land. The fulfillment of the command, however, is mentioned only in verse 19: "We traveled from Chorev and journeyed... as the Lord our God commanded us, and we came to Kadesh Barne'a." Between the command and its execution, in verses 9-18, Moshe mentions the story of the appointment of the judges. This story, which appears in the form of a parenthetical insertion, also opens with the words, "I said to you AT THAT TIME" [8].

The story of the second tablets, like the story of the selection of the tribe of Levi – both of which indeed took place in the context of the sin of the golden calf – are mentioned here in the form of parenthetical insertions; they are not the principal theme of our chapter [9]. The crux of the chapter addresses itself to the question of Israel's right to enter Eretz Yisrael. Moshe's prayer at the end of chapter 9 therefore should be juxtaposed with God's response in 10:10, confirming and approving the continuation of the journey to the land and its inheritance.

f. God's Oath to the Forefathers

Moshe devotes more than thirty verses to proving to the nation that it is not by their righteousness that they will possess the land, but rather by virtue of the oath to the forefathers. Why is it so important to Moshe to emphasize this point?

It would seem that the key to understanding his intention is to be found in the continuation of chapter 10. Immediately after concluding his review of their sins, Moshe tells the nation:

(12) Now, Israel: what does the Lord your God ask of you, but to fear the Lord your God, to walk in His ways and to love Him and to serve the Lord your God with all your heart and with all your soul; (13) to observe God's commandments and His statutes which I command you this day, that it be good for you. (14) For the sky and the heavens belong to God, the land and all that is in it. (15) Only your forefathers were desired by God, to love them, and He chose their descendants after them – you – from among all the nations, to this day. (16) Therefore you shall circumcise the foreskin of your heart, and you shall no longer be stiff-necked.

The Sages note the contradiction between the opening – "What does God ask of you but..." – indicating a simple, modest requirement, and the continuation, which presents lengthy and detailed demands. (Their explanation is found in Megilla 25a.) Rashi's explains: "'Now Israel' – even though you did all of this, still God is merciful and loving towards you, and despite all of your sins before Him, He asks of you only that you fear Him, etc." Thus, Rashi connects verse 12 to the review that has extended from the beginning of chapter 9 to this point. His explanation seems to be based on a very precise reading of the word, "And now," indicating that now comes the conclusion drawn from the preceding review [10].

Two further details point to a connection between this section and the review that precedes it. One is the mention of God's love for the forefathers, and the selection of Israel on this basis. The other is the demand, "You shall no longer be stiff-necked," reminiscent of the introduction to the review in chapter 9 (verse 6): "Know that it is not by your righteousness that the Lord your god gives you this good land to possess, for YOU ARE A STIFF-NECKED NATION." These details support the conclusion that Rashi's interpretation here does indeed reflect the meaning of the literal text.

The whole review and the proof of the claim that it is "not by your righteousness" is therefore meant solely for the purpose of leading to the detailed conclusion in this section (10:12-16). Had Israel labored under impression that they were inheriting the land because of their own righteousness, they may have been inclined to carelessness in their service of God. They would feel that they "owed God nothing," as it were, since it was their righteousness that gave them the right to the land – just as a person who is acquitted has no obligation to the judge. They would then not be in a psychological state that would allow them to relate properly to God's requirements of them – requirements set out in verses 12 and onwards. On the other hand, the knowledge that it was not by their own righteousness that they were in the land, and that God had performed a great kindness in bringing them there, would give them a continuous sense of obligation and a consciousness of the need to fulfill God's demands in order to justify His kindness towards them.

From this perspective, Moshe's warning in our chapter – "DO NOT SAY IN YOUR HEART... it is by my righteousness that God has brought me to inherit this land" – resembles his warning in the previous chapter – "Lest you eat and be satisfied... AND SAY IN YOUR HEART, It is my might and the strength of my hand that have performed this valor" (8:12-17). In both cases, Moshe warns the people against feeling self-satisfied – a feeling that carries grave dangers. Just as in chapter 8 this statement leads towards forgetting God, so in our chapter it may lead towards a haughty view of our obligations towards God. Although chapter 8 is speaking of self-satisfaction on the material level, while our chapter refers to spiritual self-satisfaction, the danger exists in both cases, and in the latter case may even be greater.

The nation (like every individual) must always view itself as owing God, as being nourished by God's goodness. This is what Yaakov, the elect of the forefathers, declared just before he entered the land: "I am undeserving of all the kindness and all the truth that You have performed with Your servant" (Bereishit 32:10). And the same idea was uttered by David, the greatest of the

kings, when God promised to establish his royalty forever: "Who am I... and what is my household, that you have brought me thus far?" (Shemuel II 7:18).

Notes:

[1] 5:1 – introduction to the commandments speech; 6:4 – introduction to the list of commandments themselves, following the Ten Commandments (representing the acceptance of the yoke of heaven); 20:3 – introduction to the speech of the kohen anointed for war to the soldiers prior to battle; 27:9 – introduction to the words of Moshe and the Kohanim and Leviim to Bnei Yisrael, describing the ceremony of the blessings and the curses.

[2] Ramban does not relate to Rashbam's interpretation. (We noted in the shiur on Devarim that Ramban makes no mention of Rashbam's commentary anywhere in his own work; our assumption is that he was not familiar with it.)

[3] This expression appears in two other places in Sefer Devarim: 4:38 – "to drive out before you nations greater and mightier than you are," and 11:23 – "you shall possess nations greater and mightier than you." A similar expression appears in Yehoshua 23:9 – "God will drive out before you nations that are great and mighty." See also Devarim 7:1 – "Seven nations more numerous and mightier than you."

[4] Compare Ramban's commentary on the story of the spies, Bamidbar 13:2 –

Behold, Moshe Rabbeinu told their children these same words, elaborating on the strength of the nation and the fortifications of their cities and the strength of the Anakim – to an even greater extent than the spies when they spoke to the fathers, as it is written (Devarim 9:1-2), "Hear, Israel: this day you pass over the Jordan to drive out nations greater and mightier than you; great cities fortified to the heavens, a great and tall nation, the children of the Anakim, whom you know and about whom you have heard, saying: Who can stand before the children of Anak." If this [mention of these facts] represented the sin and transgression of the spies, why would [Moshe] weaken the hearts of the children as the spies had weakened the hearts of the fathers?

[5] Ibn Ezra's commentary here contradicts his interpretation of Shemot 34:28:

"And it was there" – Many have thought that Moshe stood upon the mountain for eighty days until God gave him the tablets. But this is not correct; it is the earlier commentators, of blessed memory, who spoke the truth, as I have already mentioned. For Moshe stood on the mountain for forty days until God gave him the first tablets. And thus it is written: "Moshe was upon the mountain for forty days and forty nights" (Shemot 24:18). And he said, "And I fell down before God for the forty days and the forty nights" (Devarim 9:25). Then Moshe uttered the speech, "See, You say to me..." (Shemot 33:12). Then he came down and carved the tablets and took them up with him upon Mount Sinai. And behold, it is written: "God passed over before him" (Shemot 34:6); and thereafter, "And he was

there with God for forty days and forty nights; he did not eat bread" – just as it says the first time – likewise the second.

It would seem that in his commentary on Shemot, Ibn Ezra retracts his interpretation on Devarim. It should be remembered that the excerpt above is from his long commentary on Shemot (the one that is printed in Mikraot Gedolot). In his short commentary on Shemot, Ibn Ezra fails to address this question at all. Scholars have already noted the fact that his commentary on the other Books follows the format of his short commentary. They have also noted that, as far as we can make out, Ibn Ezra wrote his long commentary on Shemot after he wrote the short commentary on the whole Torah. Thus, his commentary on Devarim (as well as on the rest of the Torah) preceded his long commentary on Shemot. See, for example, A. Margalio, "The Relationship between Rashbam's Commentary and the Commentary of Ibn Ezra on the Torah," *Sefer Assaf*, Jerusalem 5713, pp. 357-369.

As to the matter at hand, it should be pointed out that a simple reading of the text in Shemot does seem to suggest that the receiving of the second set of tablets also took forty days, and thus that Moshe stood on the mountain three times for forty days each time. Nevertheless, in the literal text, the forty days for receiving the second tablets are not mentioned in the description in Sefer Devarim. It should further be noted that in the description in Sefer Shemot, there is no mention of the fact that the prayer lasted forty days. Thus, each Sefer mentioned two forty-day periods, but they are not the same ones: Shemot mentions the forty days for the first tablets and the forty days for the second tablets, while Devarim recalls the forty days for the first tablets and the forty days of prayer. If we bring these descriptions together, we arrive at a total of three periods of forty days. The scope of this shiur does not allow for elaboration on the significance of this point.

[6] Admittedly, in Sefer Shemot, chapter 34, we are told that when Moshe ascended to receive the second tablets, he also entreated God to forgive the nation; see verse 9. However, on the level of the literal text, it is difficult to assume that the text in our chapter refers to a fact that is not mentioned here.

[7] This expression does not appear at the beginning of the second section (verses 6-7). The reason is that this section is fundamentally different from its neighbors. Its style shows that it is not part of Moshe's speech, since it is formulated in the third person; it appears that this section was added at the time of the writing of the Torah. I shall not elaborate here on the reason for this addition; see the commentaries ad loc.

[8] I shall not elaborate here on the role of this parenthetical insertion; it is mentioned here only as an example of this literary phenomenon.

[9] This detail stands in contrast to Rav Hoffmann's interpretation, quoted above.

[10] Compare what we discussed in the shiur on parashat Devarim, concerning the beginning of chapter 4.

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